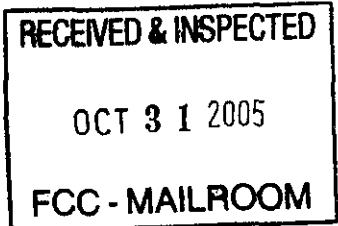


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Comments to Notice of Proposed Rulemaking FCC 05-143  
(WT Docket 05-235)

October 27, 2005



Federal Communications Commission  
44512 12th Street SW  
Washington, DC 20554

ORIGINAL

Chairman Martin,  
Commissioner Abernathy,  
Commissioner Copps,  
Commissioner Adelstein,

The following comments are submitted in response to NPRM FCC 05-143, and the Federal Communications Commission (FCC) request for public comment, 70 Fed. Reg. 51705-01, concerning the proposed changes applicable to requirements for operator licenses in the Amateur Radio Service.

In the above-mentioned NPRM, the Commission has proposed to eliminate the "Element 1" requirement that is currently required for those who wish to advance to the General Class and Extra Class level of license. According the NPRM, the Commission believes that the public would be best served by the elimination of this requirement. However, I respectfully disagree.

I am currently a law student and a concerned citizen, who has been in the frightening situation where the communications network has been extremely overloaded and essentially unusable. Given the recent hurricane disasters and the potential for another terrorist attack in the United States, I understand and appreciate the important service that amateur radio operators provide. I also support encouraging more people to become amateur radio operators. However, I **strongly oppose** the proposed blanket removal of the Element-1 (telegraphy or Morse code or CW) examination requirement in order to qualify for an amateur radio operator license. Many

believe the telegraphy requirement to be unduly burdensome or unnecessary; however, the benefits reaped by keeping the requirement are significant and should not be ignored. I appreciate your taking the time to consider my views.

#### **THE IMPORTANCE OF AMATEUR RADIO IN EMERGENCY SITUATIONS**

Although many view Amateur Radio as a hobby, it provides a vital service to the citizens of the United States. Amateur Radio operators provide a needed pool of experts, who provide essential communication links and facilitate relief actions during emergency situations when normal communications systems are overloaded, damaged or disrupted.<sup>1</sup> Countless lives have been saved where skilled operators act as emergency communicators to render aid, whether it is an earthquake in Italy, a flood in India or a hurricane in the United States. Additionally, Amateur Radio has advanced the communication and technical skills of radio, and enhanced goodwill.

In today's culture we have become very use to extensive connectivity. We can pick up a home or cellular phone to call almost anywhere from almost anywhere. Not to mention our growing dependency upon the Internet, with its many uses and applications. However, in an emergency, power is usually the first to be affected, followed closely by a breakdown or loss in communications. In areas prone to earthquakes and hurricanes it is almost guaranteed communication will be lost, possibly for an extended period of time. Not even cell phones are immune because most cell networks are wired into the regular phone network at some point. In these situations, resources will be at a minimum and travel disrupted, good communications will be essential.

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<sup>1</sup> See 47 C.F.R. § 97.401.

For instance, amateur radio came to the rescue during the September 11<sup>th</sup> terrorist attacks. There was no other way to communicate, so amateur radio was a total and absolute necessity. In the New York, tri-state area, the telephone and cellular networks were not working. In addition, the PSTN and Internet in New York were slammed and largely unworkable because one of the major hubs had been destroyed (it was on top of the World Trade Center Towers).

Although my experience was not as significant as those in the New York area, I had my own experience of being without telephone and cellular service on the day of the attacks. At the time I lived in Washington, D.C., and worked on Capitol Hill. I was unable to reach my family after the attack on the Pentagon, and for the next twenty-four hours, the telephone and cellular lines were jammed. It was extremely frustrating not being able to reach my family or friends.

Most recently, amateur radio operators have been instrumental in helping residents in the hardest hit areas, in the wake of Hurricane Katrina, including saving stranded flood victims in Louisiana and Mississippi. For instance, a call for help involving a combination of cell telephone calls and amateur radio led to the rescue of 15 people stranded by floodwaters on the roof of a house in New Orleans.<sup>2</sup> Unable to get through an overloaded 911 system, one of those stranded called a relative in Baton Rouge. That person called another relative, who called the local American Red Cross.<sup>3</sup>

#### **ARGUMENTS FOR REMOVING THE MORSE REQUIREMENT**

One reason cited for dropping the Morse requirement is that it will increase the pool of licensed amateur radio operators (and the corresponding stock of radio equipment and radio systems) available for public service and emergency communications. Many also argue that Morse is an outdated mode no longer needed in the hobby. They point to the fact that modern

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<sup>2</sup> <http://www.msnbc.msn.com/id/9228945>

<sup>3</sup> <http://www.msnbc.msn.com/id/9228945>

digital protocols and voice modes are far superior to Morse code for emergency and public service communications. However, the most recent justification for removing the CW requirement is that the United States should follow the example of many other countries and totally eliminate the requirement of the Morse code. Effective July 5, 2003, Article 25 of the international *Radio Regulations* adopted at World Radiocommunication Conference (WRC) 2003 deleted the Morse testing requirement for amateur applicants seeking HF privileges, leaving it up to individual countries to determine whether or not they want to mandate Morse testing. The proponent contend that since several countries such as, Switzerland, Belgium, the United Kingdom, Germany, Norway and the Netherlands have already have dropped their Morse requirements, the United State should also follow suit.<sup>4</sup> However, when it comes to being prepared for emergency situations, the United States should not choose now as the time to follow the example of other countries.<sup>5</sup>

#### **KEEPING THE MORSE REQUIREMENT FOR AMATEUR RADIO**

I support keeping the amateur radio service modern, but I do not see how dropping the code requirement helps build the quality (versus quantity) of operators. Morse code, like the text book materials is not simple. The people must be dedicated if they are going to pass, and as in all aspects of life, a person's education leads to greater access. It is important to have the technical requirements in which one can demonstrate skill in code proficiency. As with experts in any other field, we require them to have the most depth, knowledge and experience, and as one moves up each license class to gain additional mode and frequency privileges, it is only

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<sup>4</sup> <http://www.eham.net/articles/6320>

<sup>5</sup> Switzerland ( 12 October 2001), Belgium ( 28 June 2000), the United Kingdom ( 4 October 2001), Germany 11 December 2000, Norway (16 February 2000) and the Netherlands (17 July 2001). These countries nations have all signed as member of the International Criminal Court, but the United States has not. <http://www.icc-cpi.int/region&id=1&l=en.html>

logical that one must show increased knowledge and put forth more effort to gain those privileges. Knowledge of the Morse code is part of that increased knowledge and effort.

I am in favor of keeping the Morse requirement for the Extra Class License only. It is my feeling that if the "Extra Class License" is worth achieving then it is worth the "Extra" work involved in learning the code. The Extra class license has always been the privileged and honored class because of the greatest requirements to obtain that class of license. Because it admittedly does impose greater difficulty and adherence to more rigid operating procedures, requiring Morse code skill contributes to and helps maintains a higher level of discipline within the Amateur Radio Service. Furthermore, an educated citizen who is dedicated enough to learn the rules, the science and engineering, and the Morse code, which takes time and effort on the citizen's part, is more likely to be a respectful and qualified operator who can be relied upon to support the noble goals of amateur radio as a public service, especially during emergencies.

If obtaining an amateur radio license is made to be too easy, less dedicated operators will be admitted to the airwaves, and the resulting decline in operator expertise and proficiency will be an impediment to emergency operations, either amateur led or government sponsored. By removing the code aspect to the license requirements, nothing is left but a simple memorization test to obtain privileges to amateur radio. We need amateur radio operators who have ability to think and perform skill and techniques above the average person. This is especially true now with so many emergencies and disasters which we all have experienced in the past few years. Without knowledgeable people, skilled people, technical people, our radio service will be further downgraded and become as useless and unmanageable as that of the citizen band and family radio bands.

So often, we express concern about declining standards in our public education system churning out students who are ill prepared to deal with the rigors of life. It is not quite the same, but how can reducing standards produce better operators? If we expect a certain level of competence to pass a technical examination, is it also too much to ask that person to also pass a simple code test? Imagine a driver's exam where you do not want to learn how to navigate in reverse because all you ever wanted to do was to go forward? Once in a while, the reverse gear comes in handy.

Furthermore, Morse code is often a fundamental method of communication for amateurs who do not speak the same native language. The increasing diversity of language groups among Amateur Radio operators within our own country, and our growing involvement with operators in other countries calls for an alternative messaging format that is not confused by dialect and idiom. Morse code is the common language recognized and understood by amateur radio operators around the world. In addition, it has helped open up new worlds to people because they made the effort to work on passing this requirement.

The ability to receive and send Morse code is consistent with the purpose of Amateur Radio service to provide highly reliable public service. As technology and micro-electronic devices and systems and software-reliant protocols evolve to ever greater complexity, it is important to remain familiar with the most basic emission mode, namely, generating a radio wave and turning it on-off in sequences to form meaningful text.

However, the most important reason for keeping the Element-1 requirement is that over the years, Morse has been proven to be the mode of communications that gets through in emergency situations with little power, under adverse band conditions, and is often the only way of getting a message through when all methods of communications fail. The advantages of

Morse code under certain conditions are well known. In fact, a skilled radio telegrapher can discern a message where only the noise is being modulated.

CW requires the least technological equipment available. It is the most efficient means of wireless communications available. It succeeds where digital and voice systems fail. CW equipment is portable, and can be run on batteries charged by a solar panel. There are many amateurs who routinely demonstrate such CW communications for recreation, while hiking the Appalachian Trail or hiking in other wilderness areas in the United States. Internationally, CW is still used by other countries, such as the Soviet Union and in developing countries, where persons or governments can not afford expensive communications systems.

Although the code is being abandoned in many areas it continues to be used by our military Special Forces units. In the future it may also be the only way of getting a message. What other method can be transmitted by sound and or light? Prisoners of War (POW) often use Morse code to communicate to one another by tapping on walls.

Finally, I should mention the role of Morse code historically. Morse code was absolutely critical in saving the passengers of the Titanic. At its time, the Titanic was touted as the greatest technological achievement of its age. Its tragic history should keep us aware that in our times, the greater the technology, the greater potential for catastrophic failure. In such times, retaining knowledge and practice of tried and true technologies such as Morse code can only be beneficial when we see all other forms of communications fail.

## **CONCLUSION**

In summary, these comments to NPRM FCC 05-143 recommend that Element 1, the requirement that provides for proof of knowledge of the International Morse code be retained for at least the Extra Class license. In this way the privileges allowing high frequency operation

could be acquired by those persons who hold a Technician Class (referred to by many as a "no code" Technician Class operator) by passing the theory examination known as Element 3.

However, those persons who wish to obtain the highest level of the Amateur Radio Service, the Extra Class, would have to continue to demonstrate a working knowledge of the International Morse code. In this way both the history and traditions of the Amateur Radio Service can be upheld, yet the desires of those persons who are not willing to learn the International Morse code would be accommodated.

One day, in some sort of dire situation, the person with the knowledge of Morse code may be able to make a difference. To me, it is a necessary requirement for the Amateur Radio Service in times of emergency. Again, I thank you for your consideration of my thoughts.

Sincerely,

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